

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL ACTION NO. 4:11-CR-007
	§	MAC-DDB
ANDREW DUANE TRUMP	§	

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on October 16, 2015, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Andrew Williams.

On January 4, 2012, Defendant was sentenced by the Honorable United States District Judge Marcia A. Crone to thirty-seven (37) months of imprisonment followed by a three (3) year term of supervised release for the offense of Felon in Possession of a firearm and ammunition in violation of Title 18, United States Code, Section 922(g)(1). In 2014, Defendant completed his period of imprisonment and began service of his term of supervised release.

On September 10, 2015, the U.S. Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 74 Sealed]. The Petition asserted that Defendant violated five (5) conditions of supervision, as follows: (1) and (2) Drug Possession/Usage (mandatory condition); (3) Failure to Pay Fine (mandatory condition); (4) Failure to attend and participate in substance abuse treatment program as instructed (special condition) and (5) Failure to report as directed (standard condition).

The Petition alleges that Defendant committed the following acts: (1) On May 19, 2015, the defendant submitted a urine specimen at the U.S. Probation Office in Houston, Texas. The specimen was mailed to the Regional Drug Laboratory in San Antonio, Texas, for analysis. On May 29, 2015, the test result was returned positive for Amphetamines. On July 13, 2015, the defendant admitted using a controlled substance on or about May 19, 2015; (2) On July 13, 2015, the defendant submitted a urine specimen at the U.S. Probation Office in Houston, Texas. The specimen was forwarded to the Regional Drug Laboratory in San Antonio, Texas, for analysis. On July 27, 2015, the test result was returned positive for and marijuana. At the time the urine screen was submitted, the defendant denied using any illicit narcotics; (3) On January 4, 2012, the defendant was ordered to pay a fine in the amount of \$7,500 due immediately. Any balance remaining is to be paid on a monthly basis at the rate of at least 10% of gross income during the term of supervision. According to the financial records of the U.S. District Clerk, the defendant failed to make a payment during the months of April, May, June, July, and August, 2015. The current outstanding balance is \$5,375. The defendant violated the mandatory condition of supervision by failing to pay the fine as directed by the Court; (4) On July 13, 2015, the defendant was referred to outpatient substance abuse treatment at the BES Group in Houston, Texas. According to the treatment agency, the defendant failed to present himself for the initial evaluation. The treatment agency and the undersigned probation officer have made numerous attempts to contact the defendant by telephone, to no avail. On August 10, 2015, the defendant was unsuccessfully discharged from the program for nonparticipation. The defendant violated the special condition by failing to attend counseling as directed; and (5) As a condition of supervised release, the defendant is required to report to the probation officer and submit a

truthful and complete written report within the first five days of each month. The defendant failed to report for the month of July 2015, by failing to submit the monthly report on or before August 5, 2015. The undersigned probation officer has made numerous attempts to contact the defendant by telephone, to no avail. On July 29, 2015, the probation officer conducted a home visit to the defendant's last known residence at 19427 Enchanted Spring Drive, Spring, Texas; however, no contact was made with the defendant. The defendant appears to have absconded from supervision and his whereabouts are unknown.

Prior to the Government putting on its case, Defendant entered a plea of true to allegation one (1) of the Petition, specifically that Defendant submitted a urine specimen that was returned positive for amphetamines. The Government dismissed the remaining allegations. Having considered the Petition and the plea of true to allegation one (1), the Court finds that Defendant did violate his conditions of supervised release by testing positive for the use of amphetamines.

Defendant waived his right to allocate before the District Judge and his right to object to the report and recommendation of this Court.

### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eight (8) months, with a term of supervised release of twenty-eight (28) months to follow.

The Court also recommends that Defendant be housed in the Bureau of Prisons Ft. Worth facility, if appropriate.

**SIGNED this 16th day of October, 2015.**

A handwritten signature in black ink, appearing to read 'C.A. Nowak', written over a horizontal line.

Christine A. Nowak  
UNITED STATES MAGISTRATE JUDGE